

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOSE ACEVEDO, Etc.,

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Case No. 23-cv-0489-bhl

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-VS-

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MICHAEL A MATTIOLI, et al.

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JOINT MOTION TO AMEND SCHEDULING ORDER

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NOW come the parties and respectfully request this Honorable Court amend the current scheduling order to enlarge the deadlines outlined herein.

One June 14, 2024, Plaintiff issued 15 Subpoenas to various entities including, but not limited to, Division of Law Enforcement Services Training and Standards Bureau, 32 Military Police Academy, Milwaukee Fire & Police Commission, Milwaukee County District Attorney's Office, and various medical providers. Some of the documents that are the subject of the subpoenas are expected to contain "protected health information" ("PHI") pertaining to Joel Acevedo, Jose Acevedo, Maribel Acevedo, Julissa Acevedo, Anthony Acevedo, Michael Mattioli, and Robert Roach. This PHI is subject to the protections afforded by the Health Insurance Portability and Accountability Act (HIPAA), and therefore, subject to the mandates and prohibitions for HIPAA Covered Entities set forth in 45 Code of Federal Regulations (CFR) Subchapter C Part 16.

As such, the Parties worked professionally together to draft a Qualified Protective Order that would direct how PHI is to be handled in this litigation. A joint motion was filed to request that the Court issue the Qualified Protective Order. The Court denied the motion without prejudice, to provide the litigants with an opportunity to provide the Court with additional information required by local rule. The joint motion will be refiled.

Several of the third party entities that received Subpoenas are represented by Defense counsel in the instant matter. As a result of the preparation necessary for the Republican National Convention, the handling of the Convention, and the aftermath of the Convention, there was a significant delay in the ability of counsel to collect, review, and produce the documents necessary to properly respond to the Subpoenas.

Due to the delay in responding to the Subpoenas and the anticipated voluminous documents to be produced, counsel jointly require additional time to collect, review, and produce the documents, and then for Plaintiff's counsel to review the documents before conducting depositions related to the information believed to be contained within said documents.

Counsel for the parties recently conferred and respectfully submit the following proposal to the Scheduling Order:

	<u>Proposed (New)</u>	<u>Current</u>
Fact Discovery	March 1, 2025	December 1, 2024
Primary Expert Witness Disclosures	November 15, 2024; Rebuttal January 3, 2025	August 15, 2024; Rebuttal October 1, 2024
<i>Daubert</i> Motions	June 15, 2025	March 15, 2025
MSJ	April 10, 2025	January 10, 2025
Trial	August 12, 2025	May 12, 2025

The Parties are jointly filing this motion in good faith and in the furtherance of justice and fairness. The Parties are not prejudiced by this delay. The Parties have considered any prejudice to the Court that may result if this motion is granted, but believe that the importance of the issues that are the subject of this litigation and the need for the dispute between the parties to be fully litigated on the merits, outweighs the prejudice that this Court might endure.

Based upon the foregoing, the parties respectfully request this Honorable Court approve the proposed (new) deadlines outlined above.

Dated this 30th day of August 2024.

Respectfully Submitted,

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